

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

WILLIAM A. DEPARDO,
Plaintiff

V.

MFS/SUN LIFE FINANCIAL
DISTRIBUTORS, INC. d/b/a SUN LIFE OF
CANADA and TAC WORLDWIDE
COMPANIES,
Defendants

CIVIL ACTION NO. 04-10248-DPW

SUN LIFE OF CANADA’S MOTION FOR SUMMARY JUDGMENT

The defendant, Sun Life Assurance Company of Canada (“Sun Life”), pursuant to Federal Rule of Civil Procedure 56, moves for entry of summary judgment in its favor. As grounds for its motion, Sun Life states that in this ERISA action, the Administrative Record reveals that Sun Life’s decision to deny benefits under the long-term disability plan and calculation of the benefits paid was neither arbitrary nor capricious as a matter of law. Sun Life’s decision was reasonable and supported by substantial evidence in the record.

In further support of this motion, Sun Life submits the accompanying Statement of Undisputed Facts and Memorandum of Law, and previously filed Administrative Record.

SUN LIFE OF CANADA

By its attorneys,

/s/ Kristina H. Allaire

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Dated: October 14, 2004

CERTIFICATE OF SERVICE

I, Kristina H. Allaire, hereby certify that I have this day served a copy of the foregoing document, by mailing a copy, first class mail, postage prepaid, to Nicholas S. Guerrero, Esq., Shaheen Guerrero & O'Leary, LLC, Jefferson Office Park, 820A Turnpike Street, North Andover, MA 01845 and Robert Shea, Esq., Morse, Barnes-Brown & Pendleton, P.C., Reservoir Place, 1601 Trapelo Road, Waltham, Massachusetts 02451.

/s/ Kristina H. Allaire

Kristina H. Allaire, Esq.

Dated: October 14, 2004